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LETTER DATED 6 NOVEMBER 1998 FROM THE PERMANENT REPRESENTATIVE OF THE DEMOCRATIC REPUBLIC OF THE CONGO TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you herewith a Government memorandum on the crimes against humanity and grave human rights violations committed by the armed forces of the Rwandan-Ugandan coalition in the occupied provinces of the Democratic Republic of the Congo (see annex).

My Government urges the Security Council to take note of these blatant violations of human rights perpetrated by the aggressors against the Congolese nation and to assume its responsibilities fully in this regard, inter alia, by adopting a resolution which:

1. Condemns the invasion of Congolese territory by Rwandan and Ugandan troops;

2. Reaffirms the unity, sovereignty and territorial integrity of the Democratic Republic of the Congo;

3. Calls on Rwanda and Uganda to withdraw their troops immediately from Congolese territory;

4. Also calls on Rwanda and Uganda to halt forthwith all acts of violence against the Congolese population;

5. Calls for those of the aggressors who are found to have participated in massacres, atrocities and violations of humanitarian law in Congolese territory to be brought before the courts.

I should be grateful if you would have this letter and its annex distributed as a document of the Security Council.

(Signed) André MWAMBA KAPANGA
Ambassador
Permanent Representative

Annex

Memorandum dated 6 November 1998 on the situation in the Democratic Republic of the Congo

1. The Government of the Democratic Republic of the Congo has the honour to inform both national and international public opinion about the situation currently prevailing in the areas occupied by the Rwandan, Ugandan and Burundian aggression troops and to make known to them the serious acts of violence being perpetrated by the aggressors against the Congolese nation.

2. This memorandum is a follow-up to the memorandum dated 31 August 1998 on the armed aggression by the Rwandan-Ugandan coalition against the Democratic Republic of the Congo, addressed to the President of the Security Council (S/1998/827).

I. MASSACRES, ATROCITIES AND HUMAN RIGHTS VIOLATIONS

3. As soon as the aggression began, the occupying troops of the Rwandan-Ugandan coalition expelled the humanitarian agencies of the United Nations system from the occupied areas, deeming them embarrassing witnesses of the acts of violence committed against the Congolese population. National and international public opinion need to know that in the occupied provinces large-scale massacres are taking place that can be characterized as genocide.

4. In the areas concerned, the Rwandan and Ugandan aggressors are engaging in human rights violations and in the systematic elimination of a number of Congolese civilians.

5. On 5 August 1998, Willy Muwengu, a student at the Institut supérieur d'études commerciales et financières (ISECOF) in Bukavu and a resident of the Nyawera district of Ibanda, was arrested by the Rwandan army for having talked to a journalist from Radio-Télévision belge de la communauté française (RTBF)-Belgium. Throughout his seven-day detention in a secret cell, he was tortured and subjected to degrading and inhuman treatment, including being forced to drink his own urine at the risk of being killed and to clean the excrement from the toilets close to his place of detention with his own hands.

6. His younger brother was also arrested and suffered the same fate when he tried to inquire after his older brother. At the intervention of the Vice-Governor, the two victims were released. However, because of the ill-treatment suffered, Willy Muwengu may have to have his right leg amputated unless he receives proper medical care.

7. On 10 August 1998, Michel Bashizi, a student at the Catholic University of Bukavu (UCB), was arrested and detained in a secret location because Rwandan soldiers had been unable to find his lodger, for whom they were looking. Throughout his detention, which lasted six days, the victim received 100 whiplashes each morning.

8. On 10 August 1998, Thierry Bagalwa, a resident of Bien-aimé camp in the Kadutu area, was arrested and held in a secret location because the occupying troops had been unable to find his older brother, Claude Bagalwa, who was wanted for having asked an embarrassing question at a meeting, organized by the President of the Rassemblement congolais pour la démocratie (RCD) in Bukavu.

9. On the occasion of Thierry Bagalwa's arrest, his 16-year-old sister Sifa, a pupil at the Bahati Institute in Kadutu, was raped by six Rwandan soldiers. She was admitted to Bukavu General Hospital, from which she was removed by uniformed men. According to doctors at the hospital, she may experience serious gynaecological problems unless she receives proper care. She has still not been found, despite complaints lodged with the Vice-Governor, and there is reason to fear the worst.

10. On 10 August 1998, Pascal Nyamulinduka, a resident of the Nyawera district of Ibanda, was arrested and detained in a secret location and subjected to inhuman treatment. His right leg and right arm were broken and he was dragged in his underclothes along the road from the former Governor's residence to the square known as "feu rouge" (traffic light). He was released following the intervention of the owner of the Kotecha company.

11. On 1 September 1998, the occupying authorities ordered a city-wide curfew in Bukavu so that they could conduct a search for Maï-Maï warriors and loyalist soldiers. During the search operation, an estimated 57 girls and young women were arrested and taken to a secret location, where they were raped by Rwandan soldiers.

12. The following are the names and addresses of some of them:

Jeanine Fazili (aged 18, a pupil at Wima high school), Buholo No. 3, Kadutu;

Yvette Mushengezi (aged 18, a pupil at Cirezi), Buholo No. 5, Kadutu;

Godée Muhebwa (aged 16, a pupil at the Funu Institute), Chimpunda, Kadutu;

Cibalonza (aged 16, a pupil at the Ibanda Institute), Chimpunda, Kadutu;

Francine Kapapa (aged 17, a pupil at Ibanda), Funu, Kadutu;

Yvette Kaseko (aged 20, Institut supérieur de développement rural (ISDR)), Kasali 3, Kadutu;

Chantal Muderwa (aged 21, Institut supérieur de techniques médicales (ISTM)), Rukumbuka, Kadutu;

Mamy Mushengezi (aged 22, UCB), Chimpunda, Kadutu;

Rosette Kabanzimya (aged 22, Institut supérieur pédagogique (ISP)), Chimpunda, Kadutu;

Caryne Mudosa (aged 21, ISTM), Funu, Kadutu.

13. After being subjected to these outrages, the victims were admitted on an emergency basis to Bukavu General Hospital. Those who had resisted being raped had been tortured, and others had been subjected to inhuman treatment. Jeanine Chishicu, for instance, of Bujola 3 in Kadutu, had been threatened into undressing in front of her brothers and parents.

14. In the course of the same operation, several people were threatened with death and had to hand over either money or electrical appliances or other valuables:

(a) Namwira Ntondo, Chairman of the Peace and Reconciliation Council (COPARE) and a resident of Nguba, was threatened with death. To save his life, he handed over 3,000 United States dollars, a radio cassette player and gold jewellery worth $1,500;

(b) Etienne Bulambo, owner of the "Alliance" stall in Nguba market, was threatened with death by Rwandan soldiers at around 9 p.m. on 2 September 1998 at his home in the industrial district in Kadutu. To save his life, he gave the soldiers $3,000 and a Sony colour television and video cassette recorder worth $800;

(c) Fidèle Lumeya of MCC, a resident of the Nguba district in Bukavu, was threatened with death by Rwandan soldiers. To save his life, he handed over his vehicle, a white Pajero;

(d) Mr. Munganga, a resident of the Nyawera district, was also threatened with death and handed over $3,000 and the entire contents of his house, worth $6,000. Two of his children were taken away by the soldiers and the parents still have no news of them;

(e) Mr. Mukereji, commonly known as "Baba John", was threatened by Rwandan soldiers and, to save his life, was forced to hand over $1,500, a Phillips colour television and a radio cassette player.

15. During the night of 29-30 September 1998, three villages in Bubembe were set on fire.

16. On 5 October 1998, 20 people were killed in Kitundu (Uvira).

17. On 6 October 1998, 55 Congolese civilians were killed in Lubarika. At a place 50 kilometres from Uvira and 90 kilometres from Bukavu, the bodies of 350 Congolese civilians were thrown into the Rushima river.

18. In Buegera, on the Kiringe road, a communal grave containing 600 bodies was found.

19. In Luvungi, near Kanagiro, another communal grave was found, containing 150 bodies.

20. The former section head at Mulenge, Ladislas Matalambu, was killed on 1 October 1998 at 1930 hours.

21. Alexis Deyidedi, former Administrative Secretary of the Bafulero chiefdom, was murdered on 2 October 1998 at 2300 hours.

22. Mr. Kabasha, the SOS/Uvira officer in charge of cultural affairs, was murdered in his home on 2 October 1998.

23. On 2 August 1998, 44 officers of the Congolese armed forces were executed at the Kavumu airport in Bukavu, with the complicity of Commander Tshapul, because they refused to ally themselves with the Rwandan-Ugandan rebellion.

24. On 9 August 1998, Mr. Kibombo, an inhabitant of Nguba and owner of the people's store in the Nguba market, was killed by Rwandan soldiers because he refused to give them his car.

25. On 10 August 1998, 10 unidentified bodies were found near the Gihamba district on the road leading to the dam on the Mururu, usually known as the Ruzizi. Two of these bodies were later recognized by the inhabitants of that district, namely:

(a) Charles Ntimbuka, an inhabitant of the Muhungu district, near the Siao camp, a merchant in the main market at Kadutu, who was killed during the night of 8-9 August 1998;

(b) Badesire Lwaboshi, a merchant who likewise lived in the Muhungu district near ISP and was killed during the night of 8-9 August 1998.

26. On 23 and 24 August 1998, Rwandan soldiers massacred more than 648 people in Kasika, the administrative centre of Luindi community in the Mwenga area. The victims included:

(a) The tribal chief of Luindi, François Naluindi Mubeza III, his pregnant wife Yvette Nyange Mukulumanya, all the members of the Royal Family, and subjects of the King;

(b) Abbé Stanislas Wabulakombe of the Catholic parish of Kasika and a number of worshippers who were holding a prayer service.

27. A number of villages were set on fire and 400 houses were burned in Luhuinja, 200 houses in Luindi and about 100 houses on the boundary between the areas of Walungu and Mwenga, in a village known as Mahunza. A number of people were burned in these houses at the time the fires were set, including children, elderly people and invalids.

28. On 12 September 1998, 150 people were killed in Kabaré because they were suspected of being Maï-Maï warriors.

II. TERRORIST ACTS

29. On 10 October 1998, a Boeing 727 civilian aircraft, registration number 9QCSG, belonging to Congo Air Lines ("CAL") was shot down shortly after

taking off from Kindu airport (Maniema province) by a missile launched by armed members of the Rwandan-Ugandan coalition.

30. By this act of terrorism, the attackers caused the death of 41 civilians, including women and children and 4 crew members, in defiance of the provisions of international law applicable in armed conflicts and in violation of the rules governing international civil aviation.

III. ECONOMIC CRIMES

31. A Ugandan aircraft carrying Lieutenant-Colonel Jet Mwebaze, the brother of James Kazini (Chief of Staff of the Ugandan Army), crashed in the eastern part of the Democratic Republic of the Congo in Eastern Province, occupied by Ugandan troops. It was carrying out an illegal gold-smuggling mission on behalf of General Salim Saleh, the brother of President Yoweri Museveni. Lieutenant-Colonel Jet Mwebaze and the gold smugglers, whose nationalities remain unknown, were killed in the accident.

32. On 4 August 1998, Mr. Kamanzi went to the headquarters of the Banque Centrale du Congo in Bukavu and looted all the contents of the bank vaults. All the proceeds were carried off to Rwanda.

33. International organizations and non-governmental organizations have been pillaged. The UNICEF representative in Bukavu was threatened by attackers who broke into his home. He saved his life only by paying a sizeable ransom in dollars.

34. The safes of revenue-generating enterprises such as OFIDA (customs), the taxation services and the Office de Contrôle Congolais (OCC) were looted and the proceeds deposited in the Cyangungu branch of the Rwanda commercial bank.

35. At Sominki, a mine factory processing gold-ore, Rwandan soldiers stole all the ore, including 45 kilos of gold, that they found in the factory.

36. Rwandan soldiers carried off towards Rwanda the livestock belonging to the population of Kabaré. It is estimated that more than 2,500 animals were involved.

IV. MILITARY ACTIVITIES

37. The Democratic Republic of the Congo also wishes to inform both national and international public opinion that between 30 September and 6 October 1998 more than 450 Burundian soldiers were deployed in the Ruzizi plain; a large number of them are currently based in the Kaliba sugar factory, in Rusabange (Sange) and in Ndunda, Luberizi and Luvungi. This fact prompts the Democratic Republic of the Congo to condemn the involvement of Burundi in the armed aggression of which it is the victim.

38. On 12 October, a journalist of Radio France Internationale who witnessed the taking of Kindu by the Rwandan-Ugandan troops said that 200 Rwandan soldiers

were present and were responsible for handling the most sophisticated weapons possessed by the attacking troops.

39. Following a meeting in Kampala on 13 October 1998, the President of Uganda, Mr. Museveni, and the Vice-President and Minister of Defence of Rwanda, Mr. Kagame, announced that they had occupied by military force a part of Congolese territory, including a number of airports.

40. On 6 November 1998, following a meeting in Pretoria between the President of the Republic of South Africa, Mr. Mandela, and the Vice-President and Minister of Defence of Rwanda, Mr. Kagame, the latter acknowledged that the Rwandan Patriotic Army had Leen involved in the Democratic Republic of the Congo "since 2 August 1998" for "security reasons".

V. CONCLUSION

41. In the light of all the foregoing, the Government of the Democratic Republic of the Congo once again invites the Security Council of the United Nations to assume its responsibilities fully and fulfil its role in the maintenance of international peace and security and urges it to:

(a) Strongly condemn the invasion of Congolese territory by Rwandan and Ugandan troops;

(b) Call on Rwanda and Uganda to withdraw their troops immediately from Congolese territory;

(c) Call on these aggressors to halt forthwith all acts of violence against the Congolese population of the occupied provinces.